



Offprint of article from

LIBER AMICORUM
JAN ROSÉN

ALAI – Initiator and Berne Copyright Convention Watch-dog – Viewed from a Personal and Slightly Nordic Perspective

*Gunnar W. G. Karnell**

“ALAI has always been able to bring together people of the highest competence and to create among them all an atmosphere of mutual esteem which allows discussions on a very high judicial level. The orthodoxy of its positions, the impartiality of its reflections, the pureness of its intentions are the reason why ALAI is a creative centre for copyright doctrine and give an exceptional value to its views.”¹

Some years ago, my friend and colleague over many years Jan Rosén joined the exclusive set of ALAI Vice-Presidents. He had then already many years been one of the representatives of the Swedish Group of ALAI, originating from The Swedish Copyright Society,

* Professor em., LL.D., Stockholm School of Economics, Hon.FSALS, Former Vice President of ALAI, Former President of ATRIP.

¹ Quoted from a speech delivered by Dr Arpad Bogsch, Director-General of the World Intellectual Property Organisation (WIPO), Mai 29, 1978, at the ALAI Centenary Congress. ALAI is the French abbreviation for “Association Littéraire et Artistique Internationale”. The English translation to “International Literary and Artistic Association” is, in the abbreviated form IIAA, even nowadays, in prevailing modes of “englishification”, seldom used. A good reason for that is the Internets’ enduring inability to distinguish between i and l in capital letters. Until 1884 the name was “Association Littéraire Internationale”.

and often, by proxy, also of other Nordic ALAI National Executive Committee Groups.²

In his honour, now that he has decided to retire from his Chair at the Stockholm University, I have attempted to bring together here, in an APPENDIX to this article in his honor, a complete list of all ALAI Congresses' /Study Days' Reports that have been printed in book-form as published from 1947 (inclusive) by ALAI or by its National Groups in the name of ALAI. They provide unique source material about copyright and its developments in theory and practice nationally and by and by ever more globally. For the periods 1878–1937 and 1942–1985 I have noted a number of ALAI/Berne-related events and documents owned by me or to which I have otherwise gained access over public sources.

There to be found are the results of ALAI's efforts to bring further adherence to development by revisions and respect for the Berne Convention and its Union for the Protection of Literary and Artistic Works, originally of 1886, but also its endeavors regarding what has

² The official status of ALAI, as related to international copyright developments, is that of an international non-governmental organization. It is accredited as a NGO (Non Governmental Organisation) at WIPO (a special agency of the United Nations, the UN). Until 1970 this organization, in its role as administrator of the Berne Convention, worked under the name of the United Bureaux for the Protection of Intellectual Property, BIRPI. In 1998–1999 WIPO set up a "Standing Committee on Copyright and related Rights". It meets regularly in Geneva, a 30th Session to be held June/July 2015. The close connection between ALAI and WIPO has always been manifested by invitations to WIPO to be represented at ALAI Executive Committee meetings, Congresses and Study Days, and invitations to ALAI to be represented at the Standing Copyright Committee Meetings and others of WIPO. A similar relation exists regarding UNESCO, administering the Universal Copyright Convention of 1952 to which the United States had adhered already on September 16, 1955.

The first Nordic Groups to send representatives to ALAI Executive Committee meetings after the 2nd world war were the Norwegian in 1949 and Danish in 1950, followed by the Swedish in 1952, and most lately, in 2015, by the Icelandic Group. A Finnish group existed already in 1928.

The number of national groups forming the Executive Committee has arisen from verified 5 in 1948 (France, Italy, Norway, Netherlands and Switzerland) to 31 in 2015 (Argentina, Austria, Belgium, Brazil, Canada, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Paraguay, Portugal, Spain, Sweden, Switzerland, United Kingdom, United States and Uruguay). ALAI also has a substantial number of coopted members.

followed in its track, like the TRIPS in 1994, the WCT and WPPT, both in force in 2012, the Beijing Treaty in 2012 and the Marrakesh (VIP) Treaty in 2013, all referring back to Berne.³

After the APPENDIX, I shall, in an EXCURSUS, feigning modesty, followed by an ENVOI to encourage Jan Rosén, bring to remembrance one particularly Nordic-inspired, although not widely known, incident, where ALAI-“specialists” successfully stood up for U S adherence to the Berne Convention and Union.

Recent copyright developments lead up to drawing attention to Jan Rosén’s currently chaired ALAI-initiatives to urge respect for the Berne Convention in the European Court system by heading the work of a succession of ALAI Executive Committee Study Groups to that effect.⁴

³ The respective National Group of ALAI (a national Copyright Society) has over time been individually responsible for its congresses *etc.* under the name of ALAI and also for the initial distribution of Congress and Study Day publications to other Groups or members for further handling of the spread by these Groups.

No complete list over such books seems to have been published and no public library known to me, not even that of the ALAI Secretariat in Paris, possesses but incomplete sets of these extremely informative publications. The library of WIPO is presently (alerted in June 2015) developing its collection of ALAI-related material for the period of 2000 and onwards. I have also tried, but with very slight success, *inter al.*, the French National Library, Paris, with its French extensions over the Net (holding mostly pre-first-world-war publications), the Bodleian Library, Oxford, the U S Library of Congress, Washington, and the very helpful library of the Max Planck Institute for Innovation and Competition, in Munich (until recently known as Max-Planck Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht; inbetween, for some time, modernized in English to refer to “Intellectual Property, Competition and Tax law”). It never seems to find a suitable English name for its real identity!

With very few exceptions, I have over the years been able to collect analogue copies for my own research library. They are listed here in the APPENDIX together with some ALAI Bulletin Copies as mentioned in the text. The content of other documents has been made known to me by colleagues or targeted research.

⁴ ALAI Executive Committee: 1) Report and Opinion 15 September 2013, “on the making available and communication to the public in the Internet environment – focus on linking techniques on the internet”, 2) Opinion 17 September 2014, “on the criterion “New Public”, developed by the Court of Justice of the European Union (CJEU), put in the context of making available and communication to the public”. Both documents can be downloaded from ALAI’s homepage <http://www.alai.org>; the first document is also published in NIR Nordiskt Immateriellt Rättsskydd 5/2013 pp. 512 et seq., 3) “Report and Opinion on Berne-compatible reconciliation of hyperlinking and the communication to the public right on the

My own interest in ALAI, its work and its spirit, as related in particular to the Berne Convention and its Union, took off in 1964, when I was given the opportunity to assist, as Congress Secretary General, professor Seve Ljungman, who was then one of the Vice-Presidents of ALAI, in his preparations as Chairman of the Swedish ALAI group (=the Swedish Copyright Society) for the diplomatic Stockholm Conference 1967 to revise the 1948 text of the Berne Convention of 1886. From 1982 until 2010 I was one of ALAI's four Vice-Presidents.⁵

Since the beginning of the 1960s, I have followed closely the work of ALAI in its activities related to the progression of copyright developments under the Berne Convention, and ever more widely so internationally, as one of the Nordic experts in the work of the Bureau and the Executive Committee of ALAI and, for a number of years representing ALAI at WIPO meetings in Geneva.

I should have liked to engage in a more far-reaching project than this present one, by putting ALAI history against Bern Union or Bern Copyright Convention history more generally, but the Festschrift format is not the ideal choice for such an endeavor. Hence, I

internet", 17 June 2015. These three reports were preceded by a Report and Opinion 14 January 2012 on "Determination of the Country of Origin when a Work is First Publicly Disclosed over the Internet".

⁵ The Bureau of ALAI shall now – under its Statutes of 1980 – consist of a President, four Vice-Presidents, of a different nationality and other than that of the President, a General Secretary (earlier *Secrétaire Perpétuel*) and a Treasurer. Another two vice-presidencies were added informally in 2000. It can be seen as a tradition for the Bureau of ALAI to have at least one Vice-President from a Nordic country. Nordic Vice-Presidents, listed here as from 1945, have been, in alphabetical order: Erik Daehlin (1959–1961; Norway). Torwald Hesser (1963), myself (1982–2010) and Seve Ljungman (1965–1983; all three Sweden), Torben Lund (1952–1956 and 1963; Denmark), Sture Petrén (1961–1972 and Jan Rosén (2010 – both Sweden; Sture Petrén 1959–1964 as 1st Vice-President). Among a great number, over time since 1876, of Honorary Members of ALAI (the first to be elected was, as well known, the French author Victor Hugo), have been listed: Seve Ljungman (Sweden), Ragnar Meinander (Finland) and myself. The Presidents of ALAI have been, counted from its foundation: Victor Hugo (Honorary President, 1878), Jose da Silva Mendes Real 1878, J. M. Torres Caicedo 1880–1885, Louis Ulbach 1881–1889, Louis Ratisbonne 1888–1890, Eugene Pouillet 1890–1905, Georges Mailard 1905–1942, Marcel Boutet 1946–1971, Henri Desbois 1972–1980, Georges Koumantos 1981–1996, Victor Nabhan 1996–. The next election, for five years, of President will take place in 2016, foreseeably in Rome.

shall not plunge into the depths of history or details of or about the Berne Convention itself from the date when it was signed on September 9, 1886 (in force December 9, 1887) until the present day. The period is covered by mountains of literature, the most prominent work published about the Berne Convention proper being Sam Ricketson's monumental book "The Berne Convention for the protection of Literary and Artistic Works: 1886–1986", first published in 1987.⁶

Nevertheless, I cannot refrain from a reminder of how the ALAI/Berne connection was initiated in a Nordic setting:

The idea of what became the Berne Convention will have been brought to substance in Rome in May 1878, in a trattoria at the foot of the Capitol Hill, "émergée ...d'une bouteille de Chianti comme la Venus Anadyomène de l'écume de mer"⁷, during a discussion between three ALAI members: a French journalist, then Secretary of ALAI, a German and – noteworthy – the Norwegian publisher Frédéric Bätzmann (said to have paid the bill); at the Executive Committee meeting 1888/1899 he was member of ALAI's Honorary Committee).

ALAI was borne on July 28, 1878, by decision at the "Congrès Littéraire International", Victor Hugo presiding. Already before then, in 1865, as also thereafter in 1879 and 1881, France and Sweden/Norway signed bilateral obligations about mutual protection of copyright.⁸

For the time since, I do not feel inclined to add much here to what has already been evidenced regarding the relationship from an ALAI point of view to what has been, for the period until the end of the 1970s, conscientiously covered by Claude Masouyé, of WIPO,

⁶ Published just before the accession of the U S to Berne, it was later expanded into S. Ricketson and J. Ginsburg "International Copyright and neighboring Rights. The Berne Convention and Beyond (Vol. I and II)", 2nd ed. 2006. Ricketson's and Ginsburg's as yet latest contribution about Berne Convention developments over time, can be found, as a "Chapter 1: The Berne Convention: Historical and institutional aspects", in the "International Intellectual Property. A Handbook of Contemporary Research", ed. Daniel G. Gervais, 2015, pp. 3–36.

⁷ Words of Aloïs Troller, Honorary Member of ALAI, in his inaugural address to the Congress for the Centennial of the Berne Convention in Berne 1986.

⁸ Years when the Nordic countries became members of the Berne Union: Norway 1896, Denmark 1903, Sweden 1904, Finland 1928 and Iceland 1947.

in his article “The Role of ALAI in the Development of International Copyright Law”, *Copyright*, April 1978 p. 120 et seq. It follows ALAI step by step from its role played in the inception of the Berne Convention, past its mini-revision in Paris 1971, on to the 1974 Brussels Satellite Convention. Masouyés article connects well to the one by Renée Virginie Blaustein, of the Paris Bar, also Administrative Secretary to ALAI over many years, “The International Literary and Artistic Association”, published in the same *WIPO Journal*, *Copyright*, February 1978 p. 70 et seq.

ALAI contributions to later Berne Union related events can be found in its own Groups’ Congresses’ and Study Days’ reports etc. as listed here in the APPENDIX as well as, to some extent also, on the ALAI home page <http://www.alai.org>.

However, I shall here make short mention of ALAI events, as reported by itself, in the period from 1878 until 1937 and then from 1947, when it resumed its work after the 2nd world war. Before 1947 and until 1985 it was almost entirely centered on Berne related projects and developments.

ALAI and Berne 1878–1937

Between 1879 and 1886, the year of birth of the Berne Convention, ALAI held congresses in London 1879, Lisbon 1880, Vienna 1881, Rome 1882, Conference in Berne and Congress in Amsterdam 1883, Congresses in Brussels 1884, Antwerp 1885 and Geneva 1886. For the Paris Universal Exhibition in 1889, ALAI published a volume “Association Littéraire et Artistique Internationale – son histoire – ses travaux 1878–1889”. Since Geneva, ALAI international meetings can be counted to 22 until 1914.⁹ The ALAI’s 4th Série Bulletins cover the period 1919–1924 (ALAI Bulletin No 1, April 1925). After the war interruption in 1914–1918, there were congresses in Paris 1925, Warsaw 1926, then also a meeting in Prague

⁹ Madrid 1887, Venice 1888, Paris 1889, Berne 1889, London 1890, Neuchâtel 1891, Milan 1892, Barcelona 1893, Antwerp 1894, Dresden 1895, Berne 1896, Monaco 1897, Turin 1898, Heidelberg 1899, Paris 1900, Vevey 1901, Naples 1902, Weimar 1903, Liège 1905, Bucarest 1906, Neuchâtel 1907, Copenhagen 1909 (Carl Torp inviting President of “L’Association des Auteurs Danois”).

to found a Czech ALAI group (4th Série Bulletins No. 4, 1926), Lugano 1927, Rome 1928, Belgrade 1928, Budapest 1930, Cairo 1932, Montreux 1935, and Paris (said to have been the 39th) in 1937. All earlier congresses are reported in ALAI's 1st–4th Série Bulletins 1878–1937, covering the period 1878–1937, leading up to the 5th Série Bulletins (printed Paris 1949–1974) No 1 (1946–1948) – 9 (1972), and commented on, in succession, in the 5th Série Bulletins No 1 (pp. 1–203) on pp. IX–XV in an introductory chapter “Historique”.

The Bulletins give evidence of ALAI as a fundamentally driving force behind the Berne Convention Acts and Revisions 1896, 1908, 1928 and 1948, up to the times for preparations for the 1946 Washington Interamerican Copyright Convention and the 1952 Universal Copyright Convention.

ALAI Reborn 1947–1985

In 1947, ALAI, officially reestablished by the French Minister of the Interior on Mai 15, 1948, as “Association étrangère”, reformed its Executive Committee and Bureau and prepared under its remarkably efficient President Marcel Boutet, a close friend to the prominent Swedish Copyright expert Sture Petré, to continue its international work, in particular by means of congresses/conferences and study days. It had almost entirely been discontinued after the 39th Congress in Paris June 15–19, 1937.

The work leading up to the ALAI Study Days in Lucerne in 1948 (see APPENDIX), and a short retrospect about ALAI history, already mentioned here, is presented in the 5th Série 1946–1948, Bulletin No. 1 (F).¹⁰ For the time thereafter until 1986, about the

¹⁰ An (F) in this text indicates that the document is only available in French language. In 1974, ALAI set out to publish a series of “Fascicules” (F), the first named Bulletin No. 1, April 1974, and a second “2ème Fascicule”, 6–7 Février 1975”. The fate of this mimeographed series remains unknown. I have found an article (F) of mine about “La réprographie en droit d’auteur suédois” in the second one. Perhaps this one killed this ALAI fascicule project? A booklet, published by ALAI in 1993, “L’Histoire de l’ALAI depuis la première guerre mondiale, exprimée en résolutions, commentaires et vœux” (F), collected by the Dutch Executive Committee member Rob du Bois, contains such texts published from 1951 to 1993. Reprinted such

history of ALAI-originated meetings, I shall let the documents, here listed in the APPENDIX as published in the name of ALAI, tell their story.

ALAI 1986–

Over its lifespan after the Brussel and Stockholm/Paris revision Conferences in 1948 and 1967/71, ALAI has developed from an efficient, basically French inspired driving force, by tradition, culture and language in times of Marcel Boutet, to become a global watch-dog, looking around to render support to its national groups' ambition to harbor, in succession and geographical spread, yearly conferences or study days' programs over themes selected by them and voted for by the Executive Committee.¹¹ ALAI became a somewhat scholarly mastered center for copyright doctrine with national reports and discussions among copyright experts brought from all over the world in attractive locations, to be published by its respective administering national Group; see APPENDIX.

1986 has justly been said to have been a watershed year, the point at which the 'old' Berne Union had reached its fullest bloom before entering into the brave new world of personal computers, digital media, on-line communications and trade negotiations, to mention only some of the significant post-1986 developments. Since then, all preparative stages of international treaties etc. in the field of Copyright, widely taken, have been currently reported to meetings within the Executive Committee of ALAI. Also, one or another ALAI rep-

matter, there or in the books about Congresses or Study Days listed below, are indicated in the APPENDIX for the respective event by an (R).

¹¹ In 1967, ALAI printed and distributed the preparatory Berne Convention document S/1 in French and English "Comment about the proposals revising the substantive copyright provisions of the Berne Convention (articles 1 to 20) prepared by the Government of Sweden with the Assistance of BIRPI" (19 pp). Later, among a few others, an ALAI group will have published periodicals etc., flying ALAI colors together with its own. So "(ALAI-Canada)", by its "Revue Canadienne du Droit d'auteur. Revue trimestrielle, ouvrant sous l'égide de l'Association littéraire et artistique du Canada", 1980–1985. Also, the Association Littéraire et Artistique Canadienne INC (ALAI Canada), in Québec 1992, published "Actes de la Journée d'étude sur le statut de l'artiste", Montréal, November 16, 1991.

representative has been chosen to act for ALAI as an individual expert at meetings of international bodies, unbound by other fetters than allegiance to the current ALAI philosophy, as offered at its usually biannual Executive Committee meetings and its yearly Congresses/ Study days.

Nevertheless, alas!, already in 1986, ALAI had started to lose weight at top political levels, reluctant of taking, if not holding back on, resolutions stating its own opinion, and sometimes victim of belated publication or failed distribution by its respective Groups to members and other interested parties of its Congress and Study days books after events. It became remarkably slow to apply, in its own administration, its already early acquired expertise about the effects on copyright issues of the expanding digitization. In recent years this has gradually been taken due care of.¹²

And now, suddenly, we see the watch-dog, expecting revitalization of original right-holders' rights and respect for the values of the Berne Convention, gnawing at the bones of the Court of Justice of the European Union!

Excursus

I use this occasion to call to mind an incident, reflecting ALAI furtherance of the cause of the Berne Convention, in addition to such information about Berne Union-related events as my APPENDIX is intended to facilitate access about. I venture to tell the story, because “why not show effect of raising the ALAI banner?”

It is about why the United States chose to adhere to the Berne Union, in consequence of a meeting at WIPO Headquarters in Geneva on November 26, 1987.¹³ I had been called by Dr. Arpad

¹² A number of reports to the Executive Committee of ALAI from individual members about EU- and WIPO-copyright matter under the title “International Information” 2001 – and “National information”, mostly about recent developments in the countries of numerous ALAI Groups from 2006 and onwards as well as a few Resolutions and Reports, starting 2003, are currently listed on ALAI's home page <http://www.alai.org/en>.

¹³ Extract from “Hearings before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the Committee of the Judiciary House of Representatives. One hundredth Congress. First and Second Sessions. H.R. 1623. Berne

Bogsch from the ranks of the Bureau of ALAI together with Jukka Liedes, since 1985 President of the Finnish Copyright Society/the Finnish ALAI Group, to appear, as “European specialists”, before the meeting of the ”Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee of the Judiciary House of Representatives”, titled “Roundtable discussions on United States adherence to the Berne Convention”.

Three years later, U S Register of Copyrights Ralph Oman told me that my speech, recorded as an expression of my personal opinion in reply to an invitation to speak by Robert Kastenmaier, who at the event chaired the U S delegation, convinced the United States of America, by its representatives present at that meeting, to join the Berne Union. The decision to adhere took some time to sift down the lines of politics, but March 1, 1989, the U S did join.

If the story is true, and I have good reason to believe that it is, I am happy to let it be known as the crowning of my professional life in defense and propagation of authors’ and other creators’ rights, widely taken.¹⁴ I believe that what we then stood for, Jukka Liedes and I, can still serve as workable language, balancing “ALAI Copyright Philosophy” for markets of rights more generally and now as an encouragement to Jan Rosén, valiant standard-bearer of ALAI, not to be overwhelmed by his retirement.

Appendix

ALAI Conferences/Congresses (C), Study Days (SD)¹⁵ 1948–

1948 Lucerne SD: Mai 5–9, 1948. I. Preparatory work to the revision of the Berne Convention by the diplomatic conference in Brussels. II. The

Convention Implementation Act of 1987. Serial No. 50”, pp. 1178–1180. The speech by Jukka Liedes is on pp. 1188–1190, concentrating on information technology and the role of copyright in an industrial property surrounding.

¹⁴ The effect of my speech was stated as a fact and in public by Ralph Oman, on April 7, 1990, at the Berlin Copyright Conference, and it is in part summarized in IIC Vol. 23 No.1/1992 on p. 72. Also, *idem*, “The Impact of the Berne Convention on U. S. Copyright”, Practising Law Institute, New York City, 16 October 1996, p. 19.

¹⁵ Titles within brackets are the original ones or translated by me into English. Descriptions of content themes are selected by me, often leaving out some, even most interesting or important ones, for reasons of lack of space.

- results of the Brussels Revision Conference June 5–26, 1948. III. Preparatory work to the establishment of a global system for unification or harmonization of copyright laws, treaties and conventions. 5^e Série 1948–1950, Bulletin No. 2, pp. 1–238 (F).
- 1952 Nîmes C: April 16–20 1952. I. The pre-project to the Universal Copyright Convention. The protection of neighbouring rights (pre-project Rome November 17, 1951). II. The results of the Geneva Intergovernmental Conference August 18 – September 6, 1952. National developments: Internordic/Danish, Luxemburg, Bulgaria, Paraguay, Turkey, France. 5^e Série 1951–1955, Bulletin No. 3, pp. 1–281. (F) (R).
- 1954 Monte Carlo C: September 10–14, 1954. Pre-project to the Rome Convention on neighbouring rights 1961. The coordination of international agreements and resolutions about copyright. Film problems and Copyright. 5^e Série 1951–1955, Bulletin No. 3, pp. 285–518. (F) (R).
- 1956 Amsterdam C: September 3–8, 1956. Recent legislation and projects. Copying for private use by magnetophones and photocopying. Protection of neighbouring rights. Protection of works of applied art, designs and models. 5^e Série 1955–1958, Bulletin No. 4, pp. 2–166. (F) (R).
- 1958 Knockke-le-Zoute SD: May 14–17, 1958. Protection of scientific works. Copyright and television. Copyright and the graphic arts. Concrete and electronic music and copyright. Authors' collecting societies from a utility point of view. Protection of applied arts, designs and models. 5^e Série 1955–1958, Bulletin No. 4, pp. 167–230. (F).
- 1959 Athens C: September 14–19, 1959. Greek Copyright law revision. International protection of applied art, design and models. Present film, radio and television problems. Neighbouring rights. Taxation of authors. 5^e Série 1958–1959, Bulletin No. 5, pp. 3–215. (F) (R).
- 1961 Florens C: September 11–16, 1961. Concentration on neighboring rights, film copyright, designs and models as well as the revision of the German Copyright law. Recent Nordic legislation. Studies to revise the US copyright legislation. 5^e Série 1959–1965, Bulletin No. 6, pp. 7–163. (F) (R).
- 1963 Munich SD: October 9–14, 1963. Discussion centered on the revision of the German copyright legislation and the future Revision of the Berne Convention. 5^e Série 1959–1965 Bulletin No. 6, pp. 3–178. (F) (R).
- 1965 Stockholm C, August 23–28, 1965. Detailed preparation for the revision of the Berne Convention in Stockholm 1967 (51st ALAI Congress). 5^e Série 1965–70 Bulletin No. 7, pp. XXX–233. (F) (R).
- 1967 Basel C: Mars 29–April 4, 1967. Detailed discussion about proposals for the revision of the Berne Convention 1971. 5^e Série 1965–1970 Bulletin No. 8, pp. 9–146. (F) (R).

- 1970 Paris SD: July 6–9, 1970. Program centered on the Universal Copyright Convention. 5^c Série 1965–1970 Bulletin No. 8, pp. 149–228. (F) (R).
- 1972 Paris SD: July 3–8, 1972 "The Paris Acts (July 24 1971) of the Geneva Convention". "Rental of books and phonogram records; the concept of distribution." "A study on video-cassettes". Photocopies and author's rights". "Communication by satellites". "Computer programs". "Droit de suite". Bulletin No 9 (printed 1973) (222 pp.) (F) (R).
- 1974 Amsterdam SD: April 1974 "The Contract to Publish" (F).
- 1975 WestBerlin SD: October 1–2, 1975 "Freedom of Contracts in the Copyright Field" (97 pp.) (F).
- 1976 Athens C: Mai 23–29, 1976 Reprography. Teledistribution. Protection of Computer Programs. The UNECO International Copyright Information Centre. The Tunis Model Law on Copyright. (125 pp.) (F) (R).
- 1977 Antwerp SD: September 8–9, 1977 "The lending and hiring of copies of protected works, mainly through public libraries". (567 pp.) (F) (R) Nearly all Antwerp reports can be found translated into English under the title "Public Lending Right. Reports of the ALAI-symposium and additional material", ed. H. Cohen Jehoram, 1983.
- 1978 Paris Centenary Congress, May 29 – June 3, 1978 The author's place in society and legal relations between authors and those responsible for distributing their works. The author, his work and his copyright society. The right of reproduction and the evolution of technology. The right of public performance in the view of technological advancement. International copyright conventions. The international relations in the field of neighbouring rights. (197 pp.) (R).
- 1980 Hanasaari/Hanaholmen SD, Mai 26–28 1980 "Distribution of Copyright Protected Copies". (195 pp.) (F).
- 1982 Amsterdam SD: May 16–20, 1982 "Cable Television, Media and Copyright Law Aspects". (504 pp) (R), ALAI publication. An English language version, ed. H. Cohen Jehoram, 1983, contains first part of the combined French/English version published by ALAI.
- 1983 Congress of the Aegean Sea I: April 13–20 1983 "The Copyright of Journalists". "Designs and Models between Copyright and Industrial Property". "Direct Broadcasting Satellites and Copyright". (347 pp.) (R).
- 1984 Paris SD: April 5–6, 1984 "The Protection of Designs and Models": The applicable laws. Methods of protection by copyright and industrial property laws. The effects of protection by copyright and by industrial

- property laws. The international protection of designs and models. (199 pp.) (F) (R).
- 1985 Oxford SD, April 10–12, 1985 “Copyright in Free and Competitive Markets” (138 pp.) (R).
- 1986 Berne C: September 8–12, 1986 “Congress for the Centennial of the Berne Convention/ The 56th Congress of ALAI”: The International Protection of the Author”: The future of copyright. Centenary of the Berne Convention. (352 pp.) (R).
- 1987 Sorrento SD: June 1–2, 1987: Direct broadcasting by satellite (DBS): the implications for copyright. Protection of cinematographic films. The introduction of advertisements during the television broadcasting of cinematographic works and the protection of authors’ moral rights. The sequence of exploitation of cinematographic films from the viewpoint of copyright and comparative law. Theatrical exhibition of cinematographic films. (147 pp.) (R).
- 1988 Munich SD: October 6–7, 1988: The economic importance of copyright. Issues involving the distribution of exemplars of copyright-protected works. (207 pp.).
- 1989 Québec C: September 26–30, 1989: “Computer and Copyright”: Computer programs, expert systems and mask works. Data Banks. Computer assisted and computer generated works (569 pp.).
- 1990 Helsinki/Helsingfors SD: May 26–28, 1990 “Copyright 1990”: Revision of the Nordic copyright legislation 1970–1990. Impact of the European integration on copyright. Review of the international copyright. (195 pp.).
- 1991 Congress of the Aegean Sea II C: April 16–26, 1991 “Copyright and Industrial Property”: The determination of the author. The originality of the work. Copyright in the new landscape of intellectual property. (554 pp.) (R).
- 1992 Sitges C: October 4–7, 1992 “The Protection of Ideas”: The protection of ideas through various means of authors’ rights, especially by means of competition law. (567 pp.).
- 1993 Antwerp C: September 19–24, 1993 “The Moral Right of the Author”. (567 pp.).
- 1994 Geneva SD: June 27–28, 1994 “Economy and Authors’ Rights in the International Conventions”: Intellectual property in GATT and the Berne Convention. The development of authors’ rights and neighbouring rights in the European Community. (200 pp.).
- 1995 Paris C: September 18–21, 1995 “Audiovisual works and Literary and Artistic Property”: The notion of audiovisual work. Technical and financial contexts of the creation and dissemination of audiovisual

- works. Ownership of intellectual property rights. Dissemination of audiovisual works. (788 pp. + CD) (R).
- 1996 Amsterdam SD: June 4–8, 1996 “Copyright in Cyberspace. Copyright in the Global Information Infrastructure”: The economic rights involved. Authenticity of authorship and work. Private international law aspects. Provision on circumvention of technical protection devices. Protection of and vis-à-vis databases. (541 pp.).
- 1997 Montebello C: September 14–18 1997 “Protection of Authors and Performers by Contract”. Authors’ and performers’ protection through individual contracts. Collective management of authors’ and performers’ rights. Authors’ and performers’ protection through collective agreements concluded with associations or guilds of authors and performers. (1198 pp.).
- 1998 Cambridge SD: September 14–17, 1998 “The Boundaries of Copyright. Its Proper Limitations and Exceptions”: Exceptions and limitations to copyright: general review. Complete exemption, compulsory licensing. Equitable remuneration. Digitisation. Temporary copying and limitations thereto; caching, browsing, Internet providers; databases. Relationship to exceptions to electronic contracting, technical controls and monitoring devices; also to moral rights. Personal and private use in light of digital access. Public interest. (385 pp.).
- 1999 Berlin C: June 16–19, 1999 “Enforcement of Copyright. The Role of National Legislation in Copyright Law”. (689 pp.).
- 2000 Stockholm SD: June 18–20, 2000 “Copyright, Related Rights and Media Convergence in the Digital Context”: Facts and function of the new media situation. The influence of economical, moral and informational considerations upon the notion of the protected work. Exploitation and liability. Licensing and new network mass uses. (188 pp.).
- 2001 New York C: June 13–17, 2001 “Adjuncts and Alternatives to Copyright”: Technological Protection of Copyrighted Works, and Copyright Management Systems. Overview. The market for works of authorship and the problem of “Digital-Lock-Up”. Situating legal protections for technological measures in the broader legal landscape. What is the appropriate scope of copyright in a world of technological protections. The new evolving “access right”. The scope of the prohibitions on circumvention of access and/or rights controls: exceptions and limitations. The relationship of copyright and trademarks: the overlap (and conflict?) in intellectual property regimes concerning designs and visual images. Exceptions to protection where copyright and trademark overlap: parody, news reporting and other “speech” use of trademark. (751 pp. + CD).

- 2002 Neuchâtel SD: September 16–17, 2002 “ALAI and the Copyright-Internet World”: International private law in relation to copyright. Mechanism of dispute settlement in the frame of the TRIPS and the alternative mediation and arbitration bodies set at disposal by WIPO and questions of international and supranational jurisdiction to be reflected. (399 pp.).
- 2003 Budapest C: September 14–17, 2003 “Creators’ Rights in the Information Society”: Copying and dissemination through digital networks. Private copying: existing legislative solutions and proposals for future legal development. Policy questions concerning the legal treatment of copying and dissemination through digital networks. Existing levy systems. Technological and controlled dissemination through digital networks. “The closest neighbors”: Protection of Performers’ rights after the 1996 and 2000 WIPO Diplomatic Conferences. Protection of performers’ rights concerning their aural and their audiovisual performances. (960 pp. + CD).
- 2004 Oaxaca SD: June 7–10, 2004 “Infringement of works of authorship: from Traditional Piracy to the Liability of Internet Enterprises”. Traditional piracy. Making available the digital means to facilitate infringement. Intermediaries of communication through the Internet. Peer-to-peer networks. Piracy Revisited: Pursuing end-users – Should they be deemed “Pirates”? (285 pp.).
- 2005 Paris C: September 18–21, 2005 “Exploring the Sources of Copyright”: Origins of copyright. International and regional sources of copyright. Interpretation of copyright rules; power of interpretation. Practice as a source of copyright law. Conflict of norms. (793 pp. + CD).
- 2006 Barcelona SD: June 19–20, 2006 “Copyright and Freedom of Expression”: Freedom of creation. Freedom of use. Freedom of expression beyond copyright. (801 pp. + CD).
- 2007 Punta del Este C: October 31 – November 3, 2007 “The Author’s Place in XXI Century Copyright: the Challenges of Modernization”: Advances and retreats in copyright law and related rights in Latin America during the last decade, the position of the author vis-à-vis editors and producers. Positive law: Legislation. Evolution of TRIPS agreement and the WIPO treaties of 1996. A practical assessment of the implementation of the TRIPS agreement and the wipo treaties (1996). Protected rights. New obligations: technical protection measures; information measures. Exceptions. General view of the “three-steps-test”. Interoperability. The author’s place in the copyright regime as updated by the TRIPS agreement and the WIPO treaties of 1996; how is the assessment felt in the field? New voices. (801 pp. + CD).

- 2008 Dubrovnic C: October 6–8, 2008 “Cultural Diversity: Its Effect on Authors and Performers in the Context of Globalisation”: Copyright, cultural diversity and heritage protection. Legal protection of folklore and cultural diversity. Social and cultural roles of collective management societies. Cultural diversity: Safeguard attempts in free trade agreements and safeguard problems in contracts. (508 pp.).
- 2009 London C: June 14–16, 2009 “From 1720 to Cyberspace: Celebrating 300 years of copyright and looking into its future” (522 pp. + CD).
- 2010 Vienna C: September 9–11, 2010 “The Duration of Copyright and Related Rights”: Term of protection in copyright: from 10 to 70 years and beyond. The proper term of protection of authors’ rights. Related rights’ term of protection. Further approximation or harmonization of the duration of authors’ rights on the regional and/or on the international level. Transitional law and prolongation of protection. *Domaine public payant* and the social cultural foundation of authors’ rights. Alternatives. (790 pp. + CD).
- 2011 Dublin SD: June 30 – July 1, 2011 “Expansion and Contraction of Copyright. Subject. Matter. Scope. Remedies.” (documentation in print is not available).
- 2012 Kyoto C: October 16–18, 2012 “Copyright and Related Rights in the “Cloud “Environment”. Developments of new platforms. Can the Internet treaties of 1996 play an important role in legal issues raised by “Cloud” business? New business models for effective protection of copyright and related rights in the “Cloud” – role of electronic rights management in new business models. Copyright-avoiding business models in the “Cloud”. Future model of one-step-on-line licensing in the cloud environment. Contractual perspectives on crossover of rights and national borders reproduction, distribution, communication to the public, adaptation and multi-territorial licenses). Litigation perspectives on cross-over of rights and national borders; private International law issues. (839 pp. + CD).
- 2013 Cartagena de Indias C: September 16–18, 2013 “Dissemination and Management of Works of Authorship on the Internet”: I. Lawful dissemination – exhaustion, individual management and the role of collective management organizations. II. Illicit dissemination and the role of intermediaries. (to be published).
- 2014 Brussels C: September 17–20, 2014 “Moral Rights in the 21st Century. The changing role of the moral rights in an era of information overload”. (327 pp.).
- 2015 Bonn C: June 18–20, 2015 “Remuneration for the Use of Works”: Legal models to assure remuneration for use. Business models today

ALAI – Initiator and Berne Copyright Convention Watch-dog – Viewed from a Personal ...

and options for the future. (to be published by the German Group of ALAI).

Envoi

Keep the old watch-dog ALAI digging for bones and biting!

